

STATE OF OHIO
CIVIL RIGHTS COMMISSION

17 MAY 30 AM 8:56

IN THE MATTER OF:

City of Dayton, Police Department
Chief Richard Biehl
City of Dayton, Police Department
335 West Third Street
Dayton, Ohio 45402

Complaint No. 17-EMP-DAY-25715

Administrative Law Judge
Denise M. Johnson

COMPLAINT AND NOTICE OF HEARING

Now comes the Ohio Civil Rights Commission (Commission) for its Complaint against the City of Dayton, Police Department (Respondent):

1. Respondent is an "employer" as defined by R.C. 4112.01(A)(2), and operates in Montgomery County, Ohio.
2. Kimberly Hill (Complainant) began working for Respondent in 1988.
3. Complainant filed a charge with the Commission on or about May 26, 2016.
4. The Commission conducted an investigation into Complainant's allegations.
5. Complainant is an African American female.
6. Complainant is a Lieutenant in Respondent's Professional Standards Bureau.
7. Complainant applied for a promotion to a Major position with Respondent.
8. Complainant was qualified for the Major position with Respondent.
9. Complainant had previously engaged in activity protected by R.C. 4112.02(I) including, but not limited to the filing of a charge of discrimination on May 10, 2016.
10. Complainant was not promoted to the Major position with Respondent.
11. Complainant was subjected to adverse employment actions including, but not limited to, being denied a promotion and being subjected to different terms and conditions because of her being an African American female, in violation of R.C. 4112.02(A).

EXHIBIT

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12. Complainant was subjected to adverse employment actions including, but not limited to, being denied a promotion and being subjected to different terms and conditions because of her having engaged in protected activities in violation of R.C. 4112.02(I).
13. In a letter dated May 18, 2017, the Commission notified Respondent of its probable cause decision, finding it probable that Respondent had unlawfully discriminated against Complainant when it subjected her to adverse employment actions.
14. In a letter dated May 18, 2017, Respondent was invited to conciliate.
15. Enclosed with the letter inviting Respondent to conciliate was a proposed conciliation agreement.
16. Respondent did not sign the conciliation agreement.
17. Respondent did not make a counteroffer which was acceptable to the Commission.
18. The Commission's efforts to eliminate the unlawful discriminatory practices by informal methods of conference, conciliation, and persuasion failed, and the Commission was unable to obtain voluntary compliance.

THEREFORE, the Commission requests:

1. It be determined that Respondent violated R.C. 4112.02(A) and (I);
2. Respondent be ordered to cease and desist from all unlawful discriminatory practices; and,
3. Respondent be ordered to provide all relief deemed appropriate to effectuate the purposes of R.C. 4112.

NOTICE OF HEARING

This matter is before Denise M. Johnson, Chief Administrative Law Judge, Ohio Civil Rights Commission, State Office Tower, 30 East Broad Street, 5th Floor, Columbus, Ohio, 43215-3414. Phone: (614) 466-6684, Fax: (614) 644-8776.

A public hearing in this matter will be held in Montgomery County on February 21, 2018. An Order from Judge Johnson will notify the parties of the time and hearing location.

Respondent(s) shall file a written Answer to this Complaint with Judge Johnson within 28 days after service of this Notice, with copies served on:

Ohio Civil Rights
Commission
Compliance Dept.
State Office Tower
30 East Broad Street – 5th
Columbus, Ohio 43215-3414

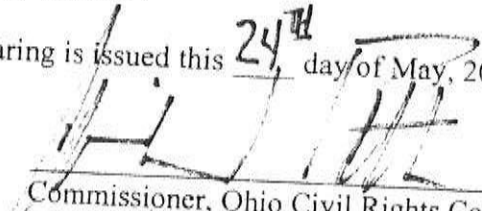
Lori Anthony, Esq.
Chief, Civil Rights Section
State Office Tower – 15th
30 East Broad Street
Columbus, Ohio 43215-
3428

Kimberly Hill
19 Hawthorn Street
Dayton, Ohio 45402

Phone: (614) 466-2770
Fax: (614) 644-8776

Phone: (614) 466-7900
Fax: (614) 466-2437

This Complaint and Notice of Hearing is issued this 24th day of May, 2017.



Commissioner, Ohio Civil Rights Commission

CERTIFICATE OF SERVICE

The foregoing is a true copy of the Complaint and Notice of Hearing Complaint No. 17-EMP-DAY-25715 that was sent this 25th day of May, 2017, by U.S. Certified Mail to:

Kimberly Hill
19 Hawthorn Street
Dayton, Ohio 45402

Complainant

City of Dayton, Police Department
Chief Richard Biehl
City of Dayton, Police Department
335 West Third Street
Dayton, Ohio 45402


Respondent

City of Dayton, Police Department
c/o Leonard J. Bazalak, Esq.
Department of Law, Civil Division
City of Dayton
101 West Third Street
Dayton, Ohio 45401

Respondent's Counsel

Lori Anthony, Esq.
Chief, Civil Rights Section
State Office Tower - 15th Floor
30 East Broad Street
Columbus, Ohio 43215-3428

Commission's Counsel


Desmon Martin
Director of Enforcement and Compliance
Ohio Civil Rights Commission